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T-661 P.002 F-262

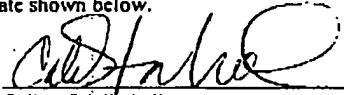
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED****JAN 03 2011****Confirmation No. 4872 OFFICE OF PETITIONS**

In re: Patent No. RE37,784  
Issued: July 9, 2002  
Applicant: Fitzgibbon et al.  
Title: BARRIER OPERATOR HAVING  
SYSTEM FOR DETECTING  
ATTEMPTED FORCED ENTRY  
Art Unit: 2837  
Examiner: Bentsu Ro

**CERTIFICATION OF  
FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted  
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12/21/2010  
Date

  
Calista J. Mitchell  
Registration No. 63,944  
Attorney for Applicant(s)

Attorney Docket: 68895

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**PETITION UNDER 37 C.F.R. § 1.377 TO REVIEW DECISION REFUSING TO  
ACCEPT AND RECORD PAYMENT OF A MAINTENANCE FEE FILED PRIOR TO  
EXPIRATION OF A PATENT**

Sir:

The patentee hereby respectfully petitions under 37 C.F.R. § 1.377 to review the decision refusing to accept and record payment of the 11.5 year maintenance fee that was submitted on January 14, 2010.

The PTO "Consolidated Informality Notice For Patent Maintenance Fees" dated January 25, 2010 (Exhibit A) indicates that the 11.5 year maintenance fee for RE37,784 was not accepted because RE37,784 was "expired." As will be demonstrated below, the patentee respectfully submits that RE37,784 was not expired at the time of the decision to refuse the 11.5 year maintenance fee.

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12-21-2010 04:56PM FROM-

T-661 P.003/014 F-262

U.S. Patent No. RE37,784  
Petition dated December 21, 2010

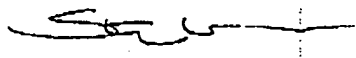
We received a Notice of Patent Expiration mailed August 6, 2006 that RE37,784 had expired for failure to pay the 7.5 year maintenance fee (Exhibit B). A Petition to Accept Unintentionally Delayed Payment of Maintenance Fee Under 37 C.F.R. § 1.378(c) was filed on September 22, 2006 (Exhibit C). That Petition was subsequently granted as shown in the Decision mailed on February 8, 2007 (Exhibit D). The decision stated: "The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision." (Exhibit D.)

As is evident from the documents submitted herewith, the patentee respectfully submits that RE37,784 should have been reinstated when the 7.5 year maintenance fee was accepted and the Petition to Accept Unintentionally Delayed Payment of Maintenance Fee was granted in February 2007. Accordingly, the patentee respectfully submits that the PTO's refusal to accept the 11.5 year maintenance fee paid on January 14, 2010 was in error. The patentee requests reconsideration of that decision and requests that the PTO accept the 11.5-year maintenance fee.

The Commissioner is hereby authorized to charge the 11.5-year maintenance fee under 37 C.F.R. § 1.20(g) of \$4110.00 for a large entity, the petition fee under 37 C.F.R. § 1.17(g) of \$200.00 for a large entity, and any additional fees to Deposit Account No. 06-1135.

Respectfully submitted,

Date December 21, 2010

  
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